

104TH CONGRESS  
1ST SESSION

# S. 162

To amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 to improve natural gas and hazardous liquid pipeline safety, in response to the natural gas pipeline accident in Edison, New Jersey, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 5, 1995

Mr. LAUTENBERG (for himself and Mr. BRADLEY) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 to improve natural gas and hazardous liquid pipeline safety, in response to the natural gas pipeline accident in Edison, New Jersey, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Pipeline Safety Im-  
5       provement Act of 1994”.

1 **SEC. 2. RECOVERY BY SECRETARY OF TRANSPORTATION**  
2 **OF COSTS OF INVESTIGATION OF CERTAIN**  
3 **PIPELINE ACCIDENTS.**

4 (a) NATURAL GAS PIPELINE ACCIDENTS.—Section  
5 14 of the Natural Gas Pipeline Safety Act of 1968 (49  
6 U.S.C. App. 1681) is amended by adding at the end the  
7 following:

8 “(g)(1)(A) Subject to paragraphs (2) and (3), the  
9 Secretary may recover from any person who engages in  
10 the transportation of gas, or who owns or operates pipeline  
11 facilities, the costs incurred by the Secretary—

12 “(i) in investigating an accident with respect to  
13 such transportation or facilities; and

14 “(ii) in overseeing the response of the person to  
15 the accident.

16 “(B) For the purposes of this paragraph, the costs  
17 incurred by the Secretary in an investigation of an acci-  
18 dent may include the cost of hiring additional personnel  
19 (including personnel to support monitoring activities by  
20 the Office of Pipeline Safety), the cost of tests or studies,  
21 and travel and administrative costs associated with the in-  
22 vestigation.

23 “(2) The Secretary may not recover costs under this  
24 subsection with respect to an accident unless the acci-  
25 dent—

26 “(A) results in death or personal injury; or

1           “(B) results in property damage (including the  
2           cost of any lost natural gas) and environmental  
3           damage (including the cost of any environmental re-  
4           mediation) in an amount in excess of \$250,000.

5           “(3) The amount that the Secretary may recover  
6           under this subsection with respect to an accident may not  
7           exceed \$500,000.

8           “(4)(A) Amounts recovered by the Secretary under  
9           this subsection shall be available to the Secretary for pur-  
10          poses of the payment of the costs of investigating and  
11          overseeing responses to accidents under this subsection.  
12          Such funds shall be available to the Secretary for such  
13          purposes without fiscal year limitation.

14          “(B) Such amounts shall be used to supplement and  
15          not to supplant other funds made available to the Sec-  
16          retary for such purposes.”.

17          (b) HAZARDOUS LIQUID PIPELINE ACCIDENTS.—  
18          Section 211 of the Hazardous Liquid Pipeline Safety Act  
19          of 1979 (title II of Public Law 96–129; 49 U.S.C. App.  
20          2010) is amended by adding at the end the following:

21          “(g)(1)(A) Subject to paragraphs (2) and (3), the  
22          Secretary may recover from any person who engages in  
23          the transportation of hazardous liquids, or who owns or  
24          operates pipeline facilities, the costs incurred by the Sec-  
25          retary—

1           “(i) in investigating an accident with respect to  
2           such transportation or facilities; and

3           “(ii) in overseeing the response of the person to  
4           the accident.

5           “(B) For the purposes of this paragraph, the costs  
6 incurred by the Secretary in an investigation of an acci-  
7 dent may include the cost of hiring additional personnel  
8 (including personnel to support monitoring activities by  
9 the Office of Pipeline Safety), the cost of tests or studies,  
10 and travel and administrative costs associated with the in-  
11 vestigation.

12          “(2) The Secretary may not recover costs under this  
13 subsection with respect to an accident unless the acci-  
14 dent—

15           “(A) results in death or personal injury; or

16           “(B) results in property damage (including the  
17 cost of any lost hazardous liquid) and environmental  
18 damage (including the cost of any environmental re-  
19 mediation) in an amount in excess of \$250,000.

20          “(3) The amount that the Secretary may recover  
21 under this subsection with respect to an accident may not  
22 exceed \$500,000.

23          “(4)(A) Amounts recovered by the Secretary under  
24 this subsection shall be available to the Secretary for pur-  
25 poses of the payment of the costs of investigating and

1 overseeing responses to accidents under this subsection.  
 2 Such funds shall be available to the Secretary for such  
 3 purposes without fiscal year limitation.

4 “(B) Such amounts shall be used to supplement and  
 5 not to supplant other funds made available to the Sec-  
 6 retary for such purposes.”.

7 **SEC. 3. GRANTS TO STATES AND ONE-CALL NOTIFICATION**  
 8 **SYSTEMS TO PROMOTE USE OF SUCH SYS-**  
 9 **TEMS.**

10 (a) GRANTS TO STATES.—Subsection (c) of section  
 11 20 of the Natural Gas Pipeline Safety Act of 1968 (49  
 12 U.S.C. App. 1687) is amended by adding at the end the  
 13 following: “The Secretary may make a grant to a State  
 14 for development and establishment of a one-call notifica-  
 15 tion system only if the State ensures that the cost of estab-  
 16 lishing and operating the system are shared equitably by  
 17 persons owning or operating underground facilities.”.

18 (b) GRANTS TO SYSTEMS.—Such subsection is fur-  
 19 ther amended—

20 (1) by striking “GRANTS TO STATES.—” and  
 21 inserting “GRANTS TO STATES AND SYSTEMS.—  
 22 (1)”; and

23 (2) by adding at the end the following:

1 “(2)(A) The Secretary may also make grants to one-  
 2 call notification systems for activities relating to the pro-  
 3 motion of the utilization of such systems.

4 “(B) The Secretary shall ensure that the Federal  
 5 share of the cost of the activities referred to in subpara-  
 6 graph (A) under any grant made under this paragraph  
 7 does not exceed 50 percent of the cost of such activities.”.

8 (c) SANCTIONS.—Subsection (b)(9) of such section is  
 9 amended by inserting “, or that would provide for effective  
 10 civil or criminal penalty sanctions or equitable relief ap-  
 11 propriate to the nature of the offense” after “12 of this  
 12 Act”.

13 (d) CONFORMING AMENDMENT.—Subsection (f) of  
 14 such section is amended by striking out “subsection (c)”  
 15 and inserting in lieu thereof “subsection (c)(1)”.

16 **SEC. 4. PREVENTION OF DAMAGE TO PIPELINE FACILITIES.**

17 (a) NATURAL GAS PIPELINE FACILITIES.—Section  
 18 14(a) of the Natural Gas Pipeline Safety Act of 1968 (49  
 19 U.S.C. App. 1681(a)) is amended by inserting after “and  
 20 training activities” the following: “and promotional activi-  
 21 ties relating to prevention of damage to pipeline facilities”.

22 (b) HAZARDOUS LIQUID PIPELINE FACILITIES.—  
 23 Section 211(a) of the Hazardous Liquid Pipeline Safety  
 24 Act of 1979 (title II of Public Law 96–129; 49 U.S.C.  
 25 App. 2010(a)) is amended by inserting after “and training

1 activities” the following: “and promotional activities relat-  
2 ing to prevention of damage to pipeline facilities”.

3 **SEC. 5. ELECTRONIC DATA ON PIPELINE FACILITIES FOR**  
4 **RISK ASSESSMENT AND SAFETY PLANNING.**

5 (a) **AUTHORITY TO DEVELOP.**—The Secretary of  
6 Transportation may develop an electronic data base con-  
7 taining uniform information on the nature, extent, and ge-  
8 ographic location of pipeline facilities. The purpose of the  
9 data base shall be to provide information on such facilities  
10 to the Secretary, owners of pipeline facilities, as persons  
11 engaged in transporting gas or hazardous liquids through  
12 pipeline facilities, and for secured use by State agencies  
13 concerned with land use planning, environmental regula-  
14 tion, and pipeline regulatory oversight, in order to facili-  
15 tate risk assessment and safety planning with respect to  
16 such facilities.

17 (b) **CONTRACT AND GRANT AUTHORITY.**—(1) Sub-  
18 ject to paragraph (2), the Secretary may develop the data  
19 base described under subsection (a) by entering into con-  
20 tracts or cooperative agreements with any entity that the  
21 Secretary determines appropriate for that purpose and by  
22 making grants to States or institutions of higher edu-  
23 cation for that purpose.

24 (2) The Secretary shall ensure that the Federal share  
25 of the cost of any activities carried out under a grant or

1 cooperative agreement made under this subsection does  
 2 not exceed 50 percent of the cost of such activities.

3 (c) USE OF GEOGRAPHIC INFORMATION SYSTEM  
 4 TECHNOLOGY.—In developing the data base described in  
 5 subsection (a), the Secretary shall, to the maximum extent  
 6 practicable, develop a data base that—

7 (1) utilizes Geographic Information System  
 8 technology or any similar technology providing data  
 9 of an equivalent quality and usefulness; and

10 (2) permits ready incorporation of data and in-  
 11 formation from a variety of sources.

12 (d) DEFINITION.—For purposes of this section, the  
 13 term “pipeline facility” has the meaning given such term  
 14 in section 20(e) of the Natural Gas Pipeline Safety Act  
 15 of 1968 (49 U.S.C. App. 1687(e)).

16 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) NATURAL GAS PIPELINE SAFETY ACT OF  
 18 1968.—(1) Section 17(a) of the Natural Gas Pipeline  
 19 Safety Act of 1968 (49 U.S.C. App. 1684(a)) is amend-  
 20 ed—

21 (A) in paragraph (12), by striking “and”;

22 (B) by striking paragraph (13); and

23 (C) by adding after paragraph (12) the follow-  
 24 ing new paragraphs:



1 “(13) \$20,000,000 for the fiscal year ending  
2 September 30, 1995;

3 “(14) \$30,000,000 for the fiscal year ending  
4 September 30, 1996; and

5 “(15) \$35,000,000 for the fiscal year ending  
6 September 30, 1997.”.

7 (2) Section 17(c) of the Natural Gas Pipeline Safety  
8 Act of 1968 (49 U.S.C. App. 1684(c)) is amended by  
9 striking “and \$10,000,000 for the fiscal year ending Sep-  
10 tember 30, 1995” and inserting in lieu thereof  
11 “\$16,500,000 for the fiscal year ending September 30,  
12 1995, \$19,000,000 for the fiscal year ending September  
13 30, 1996, and \$21,500,000 for the fiscal year ending Sep-  
14 tember 30, 1997”.

15 (b) HAZARDOUS LIQUID PIPELINE SAFETY ACT OF  
16 1979.—Section 214(a) of the Hazardous Liquid Pipeline  
17 Safety Act of 1979 (49 U.S.C. App. 2013(a)) is amend-  
18 ed—

19 (1) in paragraph (12), by striking “and”;

20 (2) by striking paragraph (13); and

21 (3) by adding after paragraph (12) the follow-  
22 ing new paragraphs:

23 “(13) \$7,000,000 for the fiscal year ending  
24 September 30, 1995;

1           “(14) \$10,000,000 for the fiscal year ending  
2       September 30, 1996; and

3           “(15) \$11,000,000 for the fiscal year ending  
4       September 30, 1997.”.

5   **SEC. 7. SITING OF INTERSTATE TRANSMISSION FACILITIES.**

6       (a) SITING GUIDELINES.—Within 2 years after the  
7   date of enactment of this Act, the Federal Energy Regu-  
8   latory Commission shall review its practices and guidelines  
9   for siting natural gas interstate transmission facilities in  
10   urban areas to determine whether changes are needed in  
11   the areas of—

12           (1) selecting routes for pipelines; and

13           (2) determining the appropriate width of rights-  
14   of-way.

15       (b) EDUCATIONAL INFORMATION FOR LOCAL JURIS-  
16   DICTIONS.—(1)(A) Within 2 years after the date of enact-  
17   ment of this Act, the Secretary, in consultation with the  
18   Federal Energy Regulatory Commission, shall make edu-  
19   cational information available, regarding natural gas  
20   interstate transmission facilities permits and rights-of-way  
21   and issues with respect to development in the vicinity of  
22   such interstate transmission facilities, for distribution to  
23   appropriate agencies of local governments with jurisdiction  
24   over the lands through which natural gas interstate trans-  
25   mission facilities pass.

1 (B) For purposes of this section, the term “interstate  
 2 transmission facilities” has the meaning given such term  
 3 in section 2(8) of the Natural Gas Pipeline Safety Act of  
 4 1968 (49 U.S.C. App. 1671(8)).

5 (2)(A) Within 2 years after the date of enactment  
 6 of this Act, the Secretary shall make educational informa-  
 7 tion available, regarding hazardous liquid interstate pipe-  
 8 line facilities rights-of-way and issues with respect to de-  
 9 velopment in the vicinity of such interstate pipeline facili-  
 10 ties, for distribution to appropriate agencies of local gov-  
 11 ernments with jurisdiction over the lands through which  
 12 hazardous liquid interstate pipeline facilities pass.

13 (B) For purposes of this paragraph, the term “inter-  
 14 state pipeline facilities” has the meaning given such term  
 15 in section 202(5) of the Hazardous Liquid Pipeline Safety  
 16 Act of 1979 (49 U.S.C. App. 2001(5)).

17 (3) There are authorized to be appropriated to the  
 18 Secretary of Energy for carrying out this subsection,  
 19 \$2,000,000, to remain available until expended.

20 **SEC. 8. DUMPING WITHIN PIPELINE RIGHTS-OF-WAY.**

21 (a) NATURAL GAS PIPELINE SAFETY ACT OF  
 22 1968.—

23 (1) AMENDMENT.—The Natural Gas Pipeline  
 24 Safety Act of 1968 (49 U.S.C. App. 1671 et seq.)

1 is amended by adding at the end the following new  
2 section:

3 **“SEC. 22. DUMPING WITHIN PIPELINE RIGHTS-OF-WAY.**

4 “(a) PROHIBITION.—No person shall excavate within  
5 the right-of-way of a natural gas interstate transmission  
6 facility, or any other limited area in the vicinity of such  
7 interstate transmission facility established by the Sec-  
8 retary, and dispose solid waste therein.

9 “(b) DEFINITION.—For purposes of this section, the  
10 term ‘solid waste’ has the meaning given such term in sec-  
11 tion 1004(27) of the Solid Waste Disposal Act (42 U.S.C.  
12 6903(27)).”.

13 (2) CONFORMING AMENDMENT.—Section  
14 11(a)(1) of the Natural Gas Pipeline Safety Act of  
15 1968 (49 U.S.C. App. 1679a(a)(1)) is amended by  
16 striking “or section 20(h)” and inserting in lieu  
17 thereof “, section 20(h), or section 22(a)”.

18 (b) HAZARDOUS LIQUID PIPELINE SAFETY ACT OF  
19 1979.—

20 (1) AMENDMENT.—The Hazardous Liquid  
21 Pipeline Safety Act of 1979 (49 U.S.C. App. 2001  
22 et seq.) is amended by adding at the end the follow-  
23 ing new section:

1 **“SEC. 221. DUMPING WITHIN PIPELINE RIGHTS-OF-WAY.**

2 “(a) PROHIBITION.—No person shall excavate within  
3 the right-of-way of a hazardous liquid interstate pipeline  
4 facility, or any other limited area in the vicinity of such  
5 interstate pipeline facility established by the Secretary,  
6 and dispose solid waste therein.

7 “(b) DEFINITION.—For purposes of this section, the  
8 term ‘solid waste’ has the meaning given such term in sec-  
9 tion 1004(27) of the Solid Waste Disposal Act (42 U.S.C.  
10 6903(27)).”.

11 (2) CONFORMING AMENDMENT.—Section  
12 208(a)(1) of the Hazardous Liquid Pipeline Safety  
13 Act of 1979 (49 U.S.C. App. 2007(a)(1)) is amend-  
14 ed by inserting “or section 221(a)” after “section  
15 207(a)”.

16 **SEC. 9. PERIODIC INSPECTION BY INSTRUMENTED INTER-**  
17 **NAL INSPECTION DEVICES.**

18 (a) NATURAL GAS PIPELINE SAFETY ACT OF  
19 1968.—Section 3(g)(2) of the Natural Gas Pipeline Safety  
20 Act of 1968 (49 U.S.C. App. 1672(g)(2)) is amended—

21 (1) by striking “Not later than 3 years after  
22 the date of the enactment of this paragraph” and in-  
23 serting in lieu thereof “Not later than 1 year after  
24 the date of the enactment of the Natural Gas Pipe-  
25 line Safety Improvement Act of 1994”; and

1 (2) in the first sentence, by inserting “and shall  
 2 prescribe a schedule or schedules for such inspec-  
 3 tions” after “operator of the pipeline”.

4 (b) HAZARDOUS LIQUID PIPELINE SAFETY ACT OF  
 5 1979.—Section 203(k)(2) of the Hazardous Liquid Pipe-  
 6 line Safety Act of 1979 (49 U.S.C. App. 2002(k)(2)) is  
 7 amended—

8 (1) by striking “Not later than 3 years after  
 9 the date of the enactment of this paragraph” and in-  
 10 serting in lieu thereof “Not later than 1 year after  
 11 the date of the enactment of the Natural Gas Pipe-  
 12 line Safety Improvement Act of 1994”; and

13 (2) in the first sentence, by inserting “and shall  
 14 prescribe a schedule or schedules for such inspec-  
 15 tions” after “operator of the pipeline”.

16 **SEC. 10. PROMOTING PUBLIC AWARENESS FOR NEIGHBORS**  
 17 **OF PIPELINES.**

18 (a) NATURAL GAS PIPELINE SAFETY ACT OF  
 19 1968.—Section 18 of the Natural Gas Pipeline Safety Act  
 20 of 1968 (49 U.S.C. App. 1685) is amended by adding at  
 21 the end the following new subsections:

22 “(c) PROMOTING PUBLIC AWARENESS FOR NEIGH-  
 23 BORS OF PIPELINES.—Not later than 1 year after the date  
 24 of enactment of this subsection, and annually thereafter,  
 25 the owner or operator of each interstate transmission facil-

1 ity shall notify all residents within 1000 yards, or such  
2 other distance as the Secretary determines appropriate, of  
3 such interstate transmission facility of—

4 “(1) the general location of the interstate trans-  
5 mission facility;

6 “(2) a request for reporting of any instances of  
7 excavation or dumping on or near the interstate  
8 transmission facility;

9 “(3) a phone number to use to make such re-  
10 ports; and

11 “(4) appropriate procedures for such residents  
12 to follow in response to accidents concerning inter-  
13 state transmission facilities.

14 “(d) PUBLIC EDUCATION.—The Secretary shall de-  
15 velop, in conjunction with appropriate representatives of  
16 the natural gas pipeline industry, public service announce-  
17 ments to be broadcast or published to educate the public  
18 about pipeline safety.”.

19 (b) HAZARDOUS LIQUID PIPELINE SAFETY ACT OF  
20 1979.—Section 212 of the Hazardous Liquid Pipeline  
21 Safety Act of 1979 (49 U.S.C. App. 2011) is amended  
22 by adding at the end the following new subsections:

23 “(e) PROMOTING PUBLIC AWARENESS FOR NEIGH-  
24 BORS OF PIPELINES.—Not later than 1 year after the date  
25 of enactment of this subsection, and annually thereafter,

1 the owner or operator of each interstate pipeline facility  
2 shall notify all residents within 1000 yards, or such other  
3 distance as the Secretary determines appropriate, of such  
4 interstate pipeline facility of—

5 “(1) the general location of the interstate pipe-  
6 line facility;

7 “(2) a request for reporting of any instances of  
8 excavation or dumping on or near the interstate  
9 pipeline facility;

10 “(3) a phone number to use to make such re-  
11 ports; and

12 “(4) appropriate procedures for such residents  
13 to follow in response to accidents concerning inter-  
14 state pipeline facilities.

15 “(f) PUBLIC EDUCATION.—The Secretary shall de-  
16 velop, in conjunction with appropriate representatives of  
17 the hazardous liquid pipeline industry, public service an-  
18 nouncements to be broadcast or published to educate the  
19 public about pipeline safety.”.

20 **SEC. 11. REMOTELY OR AUTOMATICALLY CONTROLLED**  
21 **VALVES.**

22 Section 3 of the Natural Gas Pipeline Safety Act of  
23 1968 (49 U.S.C. App. 1672) is amended by adding at the  
24 end the following new subsection:



1       “(l) REMOTELY OR AUTOMATICALLY CONTROLLED  
 2 VALVES.—Not later than 18 months after the date of en-  
 3 actment of this subsection, the Secretary shall issue regu-  
 4 lations requiring the installation and use, wherever tech-  
 5 nically and economically feasible, of remotely or automati-  
 6 cally controlled valves that are reliable and capable of  
 7 shutting off the flow of gas in the event of an accident,  
 8 including accidents in which there is a loss of the primary  
 9 power source. In developing proposed regulations, the Sec-  
 10 retary shall consult with, and give special consideration  
 11 to recommendations of, appropriate groups from the gas  
 12 pipeline industry, such as the Gas Research Institute.”.

13 **SEC. 12. BASELINE INFORMATION.**

14       (a) NATURAL GAS PIPELINE SAFETY ACT OF  
 15 1968.—Section 3(g) of the Natural Gas Pipeline Safety  
 16 Act of 1968 (49 U.S.C. App. 1672(g)) is amended by add-  
 17 ing at the end the following new paragraph:

18               “(3) BASELINE INFORMATION.—Before trans-  
 19 porting natural gas through a pipeline which, be-  
 20 cause of its design, construction, or replacement, is  
 21 required by regulations issued under paragraph (1)  
 22 to accommodate the passage of instrumented inter-  
 23 nal inspection devices, the owner or operator of such  
 24 pipeline shall, using such a device, obtain baseline

1 information with respect to the safety of the pipe-  
2 line.”.

3 (b) HAZARDOUS LIQUID PIPELINE SAFETY ACT OF  
4 1979.—Section 203(k) of the Hazardous Liquid Pipeline  
5 Safety Act of 1979 (49 U.S.C. App. 2002(k)) is amended  
6 by adding at the end the following new paragraph:

7 “(3) BASELINE INFORMATION.—Before trans-  
8 porting hazardous liquids through a pipeline which,  
9 because of its design, construction, or replacement,  
10 is required by regulations issued under paragraph  
11 (1) to accommodate the passage of instrumented in-  
12 ternal inspection devices, the owner or operator of  
13 such pipeline shall, using such a device, obtain base-  
14 line information with respect to the safety of the  
15 pipeline.”.

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